



THE CITY OF NEW YORK
LAW DEPARTMENT

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January 2, 2020

BY ECF

Honorable P. Kevin Castel
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Tyleeha Carter v. The City of New York et al.
19-CV-5372(VEC)

Your Honor:

I am an Assistant Corporation Counsel in the Office of James E. Johnson, Corporation Counsel of the City of New York, and attorney for defendant City of New York ("City") in the above-captioned case. Defendant City writes to respectfully request that the Initial Conference, currently scheduled for January 6, 2020, be adjourned to February 7, 2020, or such other date thereafter convenient to the Court so that mediation might be scheduled and held. This is the City's second request for an adjournment. The undersigned contacted Plaintiff's counsel earlier today via email to determine if he would consent to this request, but no response has been received at the time of this filing.

By way of background, plaintiff alleges *inter alia* that on March 15, 2018, she was falsely arrested for shoplifting in a Modell's and further subjected to excessive force by NYPD officers during her detainment. Plaintiff filed this action on June 7, 2019, and it has been designated for participation in Local Civil Rule 83.10 ("the Plan"). See Dkt. No. 5. Under the Plan, the parties were to engage in limited early discovery before attending mediation in an attempt to reach an early settlement. See Local Civil Rule 83.10. However, while the parties have exchanged the required early discovery and engaged in settlement discussions, no mediation was ever scheduled or held as required by Local Civil Rule 83.10. Based on a review of the Docket, no mediator was ever assigned to this matter. As this appears to be an oversight, the undersigned intends to contact the Mediation Office so that a mediator may be assigned and to schedule a mediation session.

Conference adjourned from
Jan 6 to February 7, 2020
at 2:15 P.M.
SO ORDERED
VSDJ
1-3-20

Accordingly, in order to conserve judicial resources, the City respectfully requests that the Court adjourn the Initial Conference in order for the parties to engage in the mediation process as required by Local Civil Rule 83.10. Specifically, defendant seeks an adjournment from January 6, 2020 to February 7, 2020, or a date thereafter that is convenient to the Court.

Thank you for your consideration in this matter.

Respectfully submitted,

James Jimenez

James Jimenez
Assistant Corporation Counsel

cc: All Counsel (By ECF)